

REMARKS

In response to Office Action mailed October 18, 2004, Applicants amend their application and request reconsideration. In this Amendment claim 2 is cancelled and claims 18 and 19 are added, so that claims 1 and 3-19 are now pending.

New claim 18 includes a limitation removed from claim 1. New claim 19 is clearly supported by many of the figures of the application as filed, including Figure 1A, showing an embodiment of an actuator including coils 3 and 4.

A new Figure 20 is added along with appropriate changes to the specification. This figure is clearly supported in the original application by the original figures, such as Figures 5A, 7A, 7B, and 8A-8C, in combination with the text in the paragraph beginning on page 15, line 23. No new matter is introduced.

The Examiner imposed a complex species election requirement. The species election requirement is traversed as to form. The species election requirement is inconsistent with the instructions of the MPEP because it attempts to divide numerous embodiments described in the patent application with regard to multiple figures, into subspecies. This division is improper. See, for example, MPEP 806.04(e).

“Claims may be restricted to a single disclosed embodiment (i.e., a single species, and thus be designated a *specific species claim*), or a claim may include two or more of the disclosed embodiments within the breadth and scope of definition (and thus be designated a *generic or genus claim*).

Species are always the specifically different embodiments.”
(*Emphasis in the original*).

Accordingly, Applicants traverse the form of the species election requirement and respond to the species election requirement as if properly formulated.

The present application describes six embodiments. It is presumed that the Examiner would assert that each of the embodiments is separate species.

Applicants elect the alleged species of embodiment 1 of the patent application which encompasses Figures 1A, 1B, 2, 3A, 3B, and 4, upon which claims 1, 3, 4, 6, 7, 11, 13-17, and 19 may be read. Accordingly, those claims should be promptly examined.

Although the Examiner asserted that no originally presented claim was generic, of the claims presented here, claims 1 and 3 are generic. Upon the allowance of a generic claim, Applicants intend to elect additional claims for rejoinder to the prosecution pursuant to 37 CFR 1.141.

In re Appln. of NAKAGAWA et al.
Application No. 10/642,517

Prompt and favorable examination of the claims elected is earnestly solicited.

Respectfully submitted,



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Date:

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DRAWING AMENDMENTS

Please add new Figure 20 to the application. A replacement sheet is attached.

Replacement sheet(s)